

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
January 15, 2002

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:00 p.m., Tuesday, January 15, 2002, in the Board Room, York Hall, by Chairman Donald E. Wiggins.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and Thomas G. Shepperd.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

Invocation. Pastor M. A. Truckenmiller, Tabb Church of God, gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Wiggins led the Pledge of Allegiance.

HIGHWAY MATTERS

Mr. John Mazur, Assistant Resident Engineer, Virginia Department of Transportation, (VDOT), appeared to discuss highway matters of interest to the Board of Supervisors. He announced that a public hearing for the Route 17 widening at Fort Eustis Boulevard would be held on February 21 in the York High School cafeteria.

Mr. Burgett reported on a road in the Breezy Point subdivision that is in poor condition, and he asked VDOT to pave that area.

Mr. Shepperd thanked VDOT for its swift replacement of a stop sign in the Woodlake subdivision. He mentioned his concerns about the location of the school zone sign near Elm Lake Way and Big Bethel Road. He also mentioned his concern with the timing of the stoplight on Route 134 at Long Green Boulevard.

Mr. Mazur stated VDOT had been informed earlier of those concerns, and he indicated he would be checking with the Traffic Engineering section on the matter.

Mr. Shepperd reported that some landscaping companies were discarding leaves into the County's drainage ditches which could cause future drainage problems.

Mr. Mazur stated any work that went on within VDOT's right-of-way required a permit to do so, and he recommended calling the Williamsburg office to report such action.

Mr. Zarembo spoke on Route 199 and Mooretown Road and the tremendous amount of construction taking place there. He noted the \$130,000 spent on landscaping on the Route 199/Mooretown Road intersection and that another \$50,000 will be addressed tonight that will further the landscaping. He asked when the landscaping project with the additional money would be started.

Mr. Mazur stated the approval process would have to be done first and then installation could occur within a three to six month time period.

Chairman Wiggins mentioned a letter from Dick Ivy pertaining to road signage and the dangers that occur when roads don't have proper signage. He asked what could be done about them, and he mentioned the owners' association for Victory Industrial Park had requested speed limit signs.

PRESENTATIONS

INTRODUCTION OF NEW MEMBERS TO YORK COUNTY BOARDS AND COMMISSIONS

The following individuals were introduced and welcomed as newly appointed members to their respective Boards and Commission, and they were presented with Boards and Commissions handbooks and York County pins.

Barbara T. Henry	Library Board
Donna J. Simkins	Parks and Recreation Advisory Board
John B. Christie	Parks and Recreation Advisory Board
Elizabeth S. Tai	York-Poquoson Social Services Board
Al Ptasznik	Planning Commission

VIDEO SERVICES BOARD

Mr. Michael Canty, Chairman of the Video Services Board, gave a presentation and overview of the Video Services Board's responsibilities. He stated its goal was to provide high-quality and timely information to the citizens of the County. He explained the staff included a video manager, video engineer, two production specialists, television teacher, and assistant. He then reviewed some of the programs aired by Video Services.

Mrs. Noll commended the Video Services staff for its work on Channels 46 and 47 and expressed her desire to allow the NASA channel to remain on the programming schedule.

Mr. Zaremba acknowledged that Video Services had progressed, and Channels 46 and 47 had come a long way. He stated he had received citizens' complaints about the audio not being clear, and he asked that the sound be checked out. He questioned the open times noted on the channel's schedule.

Mr. Randy Williford, Video Services Manager, explained that some of the open spaces on the schedule were for meetings, and staff wasn't able to determine the time needed for the meeting. He further explained the scheduling of the television stations.

CITIZENS COMMENT PERIOD

No one appeared to speak at this time.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. James Barnett stated the General Assembly was in session and 3,500 pieces of legislation were expected to be submitted to the General Assembly. Some of the bills before the General Assembly include the following:

- Allowing counties to have the same taxing power as granted to cities and towns.
- Tax exemption for civic organizations made by local governing bodies.
- The governor to succeed himself and serve two terms.
- The requirement for Certificates of Competence with regard to land disturbing activity permits.
- Tree preservation and conservation ordinances.
- Local governments being granted immunity from annexation and extending the annexation moratorium.
- The approval of a rezoning can be automatically rescinded under certain conditions.

- If local governments incur financial obligations to help school divisions purchase land, then the locality becomes co-owner of the property.
- Expanding obligations for local governments to send out letters of notice whenever changes affect the zoning code.
- A freeze on residential real estate assessments if the property continues to be used as a taxpayer's primary residence.
- Localities to exempt all persons 65 and older from the 911 tax.
- The allowance of public employees to form associations for discussing their interests with their employers.
- Declaring the fourth Wednesday in January Brunswick Stew Day.
- A special license plate for members and supporters of the Parrot Head Fans.

Mr. Burgett discussed the problems the York Crossing area continued to have with commercial vehicles parking in that area, and he asked about the progress of the Commercial Parking Ordinance.

Mr. Carter stated he had met with Mr. Brewer from VDOT, who indicated he would follow up on it. He explained that an informal opinion from the Commonwealth Transportation Board was expected, and he indicated that staff would stay in touch with them to get the answer.

Mr. Barnett discussed the possibility of a bill before the General Assembly regulating parking of commercial vehicles.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds introduced and welcomed the new Director of Financial and Management Services, Carol White, a former senior manager with Goodman & Company. He reported on the school situation with lead in the water. The schools now have filters on the water going into each school. He reminded the Board of the work session on January 22 on the Capital Improvements Program. Another work session is scheduled on February 12. He announced that a public budget forum would be held at 8:00 p.m. on February 19th during the Regular Meeting. Mr. McReynolds stated he will be out of the office on January 28-29 and will be in Washington meeting with members of the County's congressional delegation.

MATTERS PRESENTED BY THE BOARD

Mr. Burgett reported on speaking at the Yorktown Rotary Club, noting he hoped to be invited back. He stated he attended a D.A.R.E. graduation for his granddaughter and was delighted over the program.

Meeting Recessed. At 7:55 p.m. Chairman Wiggins declared a short recess.

Meeting Reconvened. At 8:00 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARINGS

REAL ESTATE TAX EXEMPTION FOR ELDERLY AND DISABLED PERSONS

Mrs. Anne Smith made a presentation on proposed Ordinance No. 02-1(R) to amend the York County code relating to real estate tax exemption for elderly and disabled persons. She explained the last time eligibility criteria and exemption levels were increased was 1989.

Mr. Burgett asked if this was the best the County could do to assist citizens in need of tax relief.

Mrs. Smith explained the proposal takes the maximum value exemption allowed and extends eligibility by increasing income limits and raising the cap on net worth.

Mr. Burgett asked the number of citizens that would be helped by the amendment.

Mrs. Smith stated it was hard to predict, but staff hoped for a 20 percent increase.

Mr. McReynolds stated he felt it would affect between 400 and 600 people.

Mr. Zaremba asked for the definition of "disabled."

Mrs. Smith stated the County used the definition used by Social Security, the Veteran's Administration, and by the Commissioner of Revenue, which is permanent and total disability.

Mrs. Noll stated she felt this change was long overdue, and she asked how the applicant's net worth was proved.

Mrs. Ann Thomas, Commissioner of the Revenue, stated the applicant would have to sign an affidavit, provide bank statements, and a copy of his or her Federal Income Tax return.

Mr. Shepperd pointed out that the net worth assessment excluded a house and one acre of land. He then asked what prevented the limits from being raised.

Mrs. Smith explained the Code of Virginia set the limits.

Chairman Wiggins then called to order a public hearing on proposed Ordinance No. 02-1(R) that was duly advertised as required by law and is entitled:

AN ORDINANCE AMENDING SECTIONS 21-42 AND 21-44 OF THE
YORK COUNTY CODE, RELATING TO REAL ESTATE TAX EXEMPTION
FOR ELDERLY AND DISABLED PERSONS

There being no one present who wished to speak concerning the subject Ordinance, Chairman Wiggins closed the public hearing.

Mrs. Noll then moved the adoption of proposed Ordinance 02-1(R) that reads:

AN ORDINANCE AMENDING SECTIONS 21-42 AND 21-44 OF
THE YORK COUNTY CODE, RELATING TO REAL ESTATE TAX
EXEMPTION FOR ELDERLY AND DISABLED PERSONS

WHEREAS, eligible persons in York County who are over sixty-five years of age or permanently and totally disabled are now at least partially exempt from the payment of real estate taxes on their home by Section 58.1-3211, Code of Virginia; and

WHEREAS, it is the purpose of the Board to take advantage of the liberalized provisions effected by amendments to the Code of Virginia in order to increase the benefit to eligible citizens of the County, and to make certain technical amendments to the County Code provisions relating to this exemption program;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of January, 2002, that effective as of January 1, 2002, Sections 21-42 and 21-44, of the York County Code, be, and they are hereby amended to read and provide as follows:

Sec. 21-42. Authorized; maximum amount.

Tax exemption is provided for the dwelling of qualified property owners who are not less than sixty-five (65) years of age or who are permanently and totally disabled and who are otherwise eligible according to the provisions of this article. Persons qualifying for exemption are deemed to be bearing an extraordinary tax burden on the property described in this article, in relation to their income and financial worth. Persons qualifying for and claiming exemption under this

article shall be exempt from the amount of taxes assessed against such property, in an amount not to exceed six hundred dollars (\$600.00), as determined by the following chart:

<i>Total Combined Income as determined Pursuant to section 21-44</i>		<i>Amount of Exemption</i>
<u>1 Eligible Owner</u>	<u>2 or more Eligible Owners</u>	
Less than \$17,850.00	Less than \$20,400.00	An amount not to exceed \$600.00
\$17,850.00 to \$23,000.00	\$20,400.00 to \$26,525.00	An amount not to exceed \$420.00
\$23,200.00 to \$28,550.00	\$26,525.00 to \$32,650.00	An amount not to exceed \$300.00

Sec. 21-44. General perquisites to grant.

Exemption shall be granted to eligible persons subject to the following requirements:

- (a) A dwelling jointly held by a husband and wife may qualify if either spouse is sixty-five (65) or over or who is permanently and totally disabled.
- (b) The dwelling is occupied as the sole residence of the person or person(s) claiming exemption; provided, however, that the residence of persons, who are otherwise qualified for tax exemption under this article, for extended periods of time in hospitals, nursing homes, convalescent homes or other facilities for physical or mental care shall not be construed to mean that the real estate for which exemption is sought has ceased to be the sole dwelling of such persons during extended periods of other residence, unless such real estate is used by or leased to others for consideration.
- (c) The eligible person(s) occupying such dwelling and owning title thereto is/are not less than sixty-five (65) years of age on December thirty-first of the year immediately preceding the taxable year or is/are determined to be totally and permanently disabled not later than December thirty-first of the year immediately preceding the taxable year.
- (d) The total combined income during the immediately preceding calendar year, from all sources, of the owner of the dwelling living therein and the owner's relatives living in the dwelling does not exceed twenty-eight thousand five hundred and fifty dollars (\$28,550.00) for households with one eligible owner or thirty-two thousand six hundred and fifty dollars (\$32,650.00) for households with two or more eligible owners; provided, however, that the first sixty-five hundred dollars (\$6,500.00) of each relative, other than spouse, of the owner who is living in the dwelling, and the first seventy-five hundred dollars (\$7,500.00), or any portion thereof, of any income received by an owner who is permanently disabled shall not be included in such total.
- (e) The net combined financial worth, including equitable interests, as of December thirty-first of the immediately preceding calendar year, of the owners, and of the spouse of any owner, excluding the value of the dwelling and the land, not exceeding one (1) acre, upon which it is situated, does not exceed one hundred thousand dollars (\$100,000.00). The value of furnishings, such as furniture, household appliances and other items typically used in a home, shall also be excluded from the net combined financial worth of such owner.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Burgett, Shepperd, Wiggins,

Nay: (0)

APPLICATON NO. YVA-9-02, GRACE EPISCOPAL CHURCH

Mr. Mark Carter, Planning and Zoning Manager, made a presentation on proposed Application No. YVA-0-92 requesting authorization for the use of a single-family detached home for church-related use in conjunction with Grace Episcopal Church. He stated the Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of denial, and staff recommended approval of the application through the adoption of proposed Resolution R02-4.

Mr. Shepperd asked Mr. Carter his opinion on whether this proposal would result in rezoning someone else's property.

Mr. Carter stated all the property was zoned YVA.

Mr. Shepperd asked what risks were associated with a dual ownership of right-of-way.

Mr. Carter felt that was addressed in the proposed resolution by stating nothing in the resolution was intended to grant any rights that had not already been granted by Court action.

Mr. Zaremba requested clarification on why the applicant was before the Board.

Mr. Carter stated they were before the Board because the former use of the property was a single-family residence. The YVA requires approval by the Board of Supervisors when the use of property in Yorktown changes to a substantially different use.

Mr. Burgett asked about the church property and the adjoining two residences and whether both were rentals.

Mr. Carter stated the property records indicate that one of the structures is a duplex. He stated that the other was used for apartments at one time.

Mr. Burgett stated his opinion that once a dwelling is used for rental property, it then becomes commercial property. He asked how the property was assessed since there was an easement on the property.

Mr. McReynolds reported the assessor stated because the easement detracts from the value of the property it crosses, it is separated from that property because it adds to the value of the other property it serves. He then asked Mr. Carter if he was correct in that the easement is not considered for assessment purposes as part of the underlying parcel.

Mr. Carter noted Mr. McReynolds was correct.

Mr. John Oppenhuizen, 108 Church Street, spoke on behalf of Grace Episcopal Church, noting he felt the church did not do an adequate job of explaining its position to the Planning Commission. He pointed out that in any other residential zoning district in the County, the request for a change of use would be granted as a matter of right. He stated that the change of use was consistent with the land uses present. He explained the potential impact of the church using the property, and stated he felt it would not increase traffic in the neighborhood.

Chairman Wiggins then called to order a public hearing on proposed Resolution R01-4 that was duly advertised as required by law and is entitled:

A RESOLUTION TO APPROVE A CHANGE IN USE IN THE YORK-TOWN VILLAGE ACTIVITY DISTRICT TO AUTHORIZE THE USE OF A SINGLE-FAMILY DETACHED HOME FOR CHURCH-RELATED USE IN CONNECTION WITH GRACE EPISCOPAL CHURCH

Ms. Beverly Krams, 266 East Queens Drive, owner of the neighboring residences at 105 and 107 Church Street, adjacent to the church property addressed the Board, stating she felt the activities requested by the church for the subject home were appropriate only in the church's

parish house. She objected to granting special use status for the proposed public functions to be conducted in such close proximity to private residences.

Mr. Ira Krams, 266 East Queens Drive, pointed out that the church's newly acquired home was only 30 feet from where their son resides. He felt it was a loss of privacy and tranquility and, if the application passed, the quality of life in the neighborhood would suffer greatly. He stated that church activities were inappropriate in such close quarters.

Mr. Rogers Hamilton, 114 Church Street, stated he supported the idea of having a parsonage or residential use, but he felt that other activities would be detrimental to the residential area.

Mr. Robert Frady, 105 Piney Point Road, spoke on behalf of the application. He explained how much the people of the church had contributed to the community of York County and the Peninsula and cited examples. He stated this action would enable the church to provide bible studies, prayer groups, and be able to contribute more to the church and the community. He felt it would be a very low-pressure use of the area.

Mr. George Sage, 112 Church Street, spoke in favor of the church proposal. He stated the activities of the church had never been an issue. He stated picnics and other outdoor activities would be in order. He stated he did not feel these activities would generate any more noise than any other neighborhood activity.

Ms. Sandy Swift, 4707 Yarron Court, appeared in support of the application and urged the Board to adopt the proposed resolution. She named some of the many activities coordinated by the church and the affect these activities would have on the adjacent property.

Ms. Melinda Reed, 107 Brighton Circle, stated the vestry had voted to use the property for Christian education. She stated she felt it would not be intrusive on the neighbors, and she asked the Board to approve the use of the property for church activities.

Mr. Mark Nicholson, 219 Little Florida Road, president of Grace Episcopal Church's Youth Group, explained the proposal would offer the Episcopal Youth Community a permanent location. He also cited some of the charitable activities sponsored by the church.

Reverend Carlton Bakkum, Grace Episcopal Church, stated he felt the church inherited some of the past bad feelings of the Krams and the former owners of the property such as their fear of building a sanctuary. The building would be used for low-impact use consistent with the historical, commercial, and residential uses already in place. Reverend Bakkum stated he felt the impact in the neighborhood would be less than that of a parsonage.

There being no one else present who wished to speak concerning the subject application, Chairman Wiggins closed the public hearing.

Mr. Burgett pointed out that the Krams did not live in the neighborhood but that their son did. He felt it was a continuation of commercial activity—once something is rented, it is a commercial property. Any church in a residential area in York County can by right do exactly what Grace Church wants to do. The fact that Grace is in Yorktown makes it come under the historical village district.

Mr. Shepperd asked if this proposal fell in the category of a special use.

Mr. Carter explained it was not a Special Use Permit but was processed in the same manner.

Discussion ensued on the permit process.

Mr. Shepperd asked for verification that the owner was not paying taxes on the right-of-way.

Mr. McReynolds stated the real estate assessor had explained the process to determine the value of the respective properties. The right-of-way is excluded from the value of the properties that it crosses and adds to the value of the property that it serves. All the properties are on the tax rolls, but the assessments take into account the presence of the easement.

Mr. Shepperd stated the important point was the land ownership and that the church does own the property. He stated he feels the church has a right to progress within the boundary of the law.

Mrs. Noll stated she was concerned over the high impact use of the property and stated the maximum number of persons able to use that house at one time was very low according to Chief Kopczynski. She stated she felt the church should be allowed to use the house as requested.

Mr. Zaremba stated he was concerned over the Planning Commission's vote and the staff's recommendation for approval of the application. He explained the staff's recommendation came before the Board with no explanation in its decision versus the Planning Commission's vote. He stated that he had asked Mr. McReynolds to have Mr. Carter address the issues of the Planning Commission and that Mr. Carter had done so in his presentation.

Mr. McReynolds explained that the Krams receive a tax bill that incorporates all the property they own. For the purposes of determining the value that is placed on that property, the right of access is excluded from the two parcels that it crosses. The negative impact on those properties is taken into consideration. As a technical matter, the Krams pay taxes on the entire property.

Mr. Burgett then moved the adoption of proposed Resolution R02-4 that reads:

A RESOLUTION TO APPROVE A CHANGE IN USE IN THE YORK-
TOWN VILLAGE ACTIVITY DISTRICT TO AUTHORIZE THE USE
OF A SINGLE-FAMILY DETACHED HOME FOR CHURCH-
RELATED USE IN CONNECTION WITH GRACE EPISCOPAL
CHURCH

WHEREAS, Grace Episcopal Church has submitted Application No. YVA-9-02, which requests a change in use in the Yorktown Village Activity District, pursuant to Section 24.1-327(b)(4) of the Zoning Ordinance, to authorize the use of a single-family detached home located at 109 Church Street, further identified as Assessor's Parcel Nos. 18A-1-40 and 18A-1-133E, for church-related use; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends denial of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has given careful consideration to the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of January, 2002, that Application No. YVA-9-02 be, and it is hereby, approved subject to the following conditions:

1. This approval shall authorize the use of the property located at 109 Church Street and further identified as Assessor's Parcel Nos. 18A-1-40 and 18A-1-133E, including the structures located thereon, for church-related uses accessory to Grace Episcopal Church, located at 111 Church Street.
2. Permitted uses of the property shall include classrooms, meeting space, indoor and outdoor social activities, and other accessory uses customarily associated with places of worship. No expansion of or addition to the Parish Hall shall be permitted on the subject property without approval of the Board of Supervisors in accordance with the procedures set forth in Section 24.1-327(b) of the York County Zoning Ordinance.
3. Nothing in this YVA approval shall be construed as prohibiting continued residential use of the property, including but not limited to its use as living quarters for the Rector of the church.

4. The fifteen-foot (15') ingress/egress easement, further identified as Assessor's Parcel No. 18A-1-34A, which provides access to the property from Church Street shall be used only for ingress and egress, handicapped access, short-term loading and unloading (fifteen-minute maximum), and emergency vehicle access. Nothing in this YVA approval shall be construed as authorizing any use of the easement contrary to the terms and conditions set forth in that order of the York County Circuit Court entered on February 18, 1988, in Chancery No. 6951, to the extent that the order remains in effect. The church shall establish and enforce appropriate use guidelines for the subject property to ensure that the driveway is used in a manner consistent with these conditions.
5. Use of the above-referenced easement by buses or trolleys shall be prohibited.
6. No outdoor activities associated with non-residential use of the property shall occur before 8:00 a.m. or after 10:00 p.m.
7. Outdoor lighting shall be directed away from residential property lines and rights-of-way and shall not cast unreasonable or objectionable glare on adjacent residential properties and streets.
8. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (5) Noll, Burgett, Shepperd, Zaremba, Wiggins
 Nay: (0)

Meeting Recessed. At 9:35 p.m. Chairman Wiggins declared a short recess.

Meeting Reconvened. At 9:47 p.m. the meeting was reconvened in open session by order of the Chair.

MATTERS PRESENTED BY THE BOARD (continued)

Mr. Shepperd expressed his interest in land use assessment and explained the program which was established by the Virginia State Code in 1971 which permits special tax assessments for agriculture, horticulture, forestry, and open space. He stated in 1998 the Board removed two categories—forestry and open space. He then requested the County Administrator direct the staff to provide a reassessment of the land use program and that he provide a report to the Board of Supervisors during a work session to determine if this issue should be brought forward for a public hearing.

Mrs. Noll asked if a special work session was needed.

Mr. McReynolds stated the item could be added to the February 12 work session.

By consensus the Board agreed to add Land Use Assessments to its February 12 work session.

Mr. Shepperd discussed a suggestion received by a citizen which would allow homeowners to prepay for their sewer connection hook-up. He described how the County would benefit by such a program since the money would be paid in advance and could possibly be used to accelerate the current plan for sewer improvement projects. He then asked Mr. McReynolds to direct the staff to look into the matter and report back to the Board.

Mrs. Noll spoke of the seminar she attended on January 4 in Richmond sponsored by the House Appropriations Committee, which walked people through the process of the General Assembly. The seminar gave practical information and ideas regarding lobbying support for a bill. She noted she also attended the School Board meeting held at Yorktown Middle School to discuss budget issues and the problems facing the schools with lead in the water system. A citizen suggested filters for the faucets, which the school division has now adopted.

Mr. Zaremba reminded citizens of the budget planning season and encouraged them to speak out and get involved directly. He also spoke on the state's budget and how it affects localities and how money is spent throughout the state. He reported if the state had shortfalls, the localities would be impacted by the shortfalls and would have to make up for the shortfall. One of the major impacts would be on the real property tax structure. The tax rate has not been raised in seven years, and the Board doesn't intend to raise it this year. He encouraged citizens to stay informed and let the Board know of their concerns. He noted that a \$600,000 grant had been received from the Federal Government that will go toward the work along the waterfront, and he commended Bob Kraus and his staff for their work on the grant.

Chairman Wiggins stated the County has an excellent school system and has created a desirable place to live. People move here to take advantage of these benefits, and naturally they are willing to pay more for their home. While higher property values speak well for residents who can afford higher assessments, it is extremely hard on residents on fixed incomes, and he noted that the Board would have to address this topic. He stated in his campaign interview with the Daily Press, his major concern for York County was the lack of industrial economic development. York County has top-notch law enforcement, fire and life safety personnel, and all of these services cost big dollars, and the Board cannot expect money to pay for them to come only from real estate taxes. Mr. Wiggins stated the Board must protect its citizens on fixed incomes and the people who are struggling to realize and maintain the American dream. He stated this means that the Board must do everything it can to encourage economic development in York County so that it can gain use of the corporate taxes. He stated this also means helping the County's existing businesses in any way possible.

CONSENT CALENDAR

Mr. Shepperd asked that Item No. 6 be removed from the Consent Calendar.

Mr. Zaremba asked that Item No. 7 be removed from the Consent Calendar.

Mr. Burgett moved that the Consent Calendar be approved as amended, Item Nos. 3, 4, 5, 8, and 9, respectively.

On roll call the vote was:

Yea:	(5)	Burgett, Shepperd, Zaremba, Noll, Wiggins
Nay:	(0)	

Thereupon, the following resolutions were adopted:

Item No. 3. REFUND OF TAXES: Resolution R02-2

A RESOLUTION TO AUTHORIZE A TAX REFUND TO DARE ASSOCIATES, LLC, AND WAYNE D. HARBIN

WHEREAS, York County Code § 21-7.3 requires approval from the Board of Supervisors for the payment of any refund of taxes, penalties and interest in excess of \$2,500.00; and

WHEREAS, Dare Associates, LLC, and Wayne D. Harbin have made proper request for a tax refund for taxes erroneously paid; and

WHEREAS, the Commissioner of the Revenue, the Treasurer, and the County Attorney have recommended that the tax refunds, with interest, be granted;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16th day of January, 2002, that the Commissioner of the Revenue is authorized to refund to Dare Associates, LLC, real property taxes for the tax years 1998, 1999, and 2000, in the amount of \$3,790.02, together with accrued interest in the amount of \$868.52, for a total refund of \$4,658.54, and to refund to Wayne D. Harbin personal property taxes for the tax year 2000 in the amount of \$3,160.80, plus accrued interest in the amount of \$408.22, for a total refund of \$3,569.02.

Item No. 4. REVISIONS TO TRANSPORTATION GRANT PROGRAM: Resolution R02-3.

A RESOLUTION TO AMEND THE YORK COUNTY TRANSPORTATION MINI-GRANT PROGRAM TO MAXIMIZE THE UTILIZATION OF TRANSPORTATION FUNDING

WHEREAS, On March 4, 1998, the Board adopted Resolution R98-41 authorizing the County Administrator to implement a County funded mini-grant program to provide funds to agencies providing services to County citizens who have special transportation needs; and

WHEREAS, through its annual budget, the Board has allocated funds sufficient to award each eligible agency up to \$5,000 in mini-grant funds; and

WHEREAS, each fiscal year the Peninsula Agency on Aging, York-Poquoson Department of Social Services, Insight Enterprises, the Colonial Services Board, and the Peninsula Health Department are invited to apply for mini-grant funds; and

WHEREAS, each fiscal year only four of the five eligible agencies have submitted applications and received funding under the mini-grant program; and

WHEREAS, it is the desire of the Board of Supervisors that funds appropriated for the purpose of assisting York County residents with transportation needs be fully utilized;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of January, 2002, that the Guidelines for the Transportation Mini-Grant Program be, and hereby are, amended to authorize the award of any unallocated funds appropriated annually for the Transportation Mini-grant Program to any eligible agency as a supplement to the regular grant award.

Item No. 5. REVENUE SHARING PROJECTS—2002: Resolution R02-8

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE AGREEMENTS WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR THE ADMINISTRATION OF THE REVENUE SHARING PROJECTS APPROVED FOR YORK COUNTY BY ACTION OF THE COMMONWEALTH TRANSPORTATION BOARD FOR FY2002 AND TO APPROPRIATE VDOT REVENUE SHARING FUNDS

WHEREAS, the Virginia Department of Transportation (VDOT) has approved the County's request to establish Revenue Sharing projects for: Yorktown Shoreline Stabilization at Yorktown Creek; Route 199/Mooretown Road interchange landscaping; and the Route 17 pavement overlay; and

WHEREAS, the County has pledged up to \$500,000 in County and funds for these projects, to be matched by an equal amount in VDOT Revenue Sharing Program funds; and

WHEREAS, in accordance with Revenue Sharing Program guidelines, the County may administer and implement eligible projects or may opt for administration and implementation by VDOT;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of January, 2002, that the County Administrator be, and he is hereby, authorized to execute such agreements between York County and the Commonwealth of Virginia Department of Transportation as are necessary to provide for the implementation of the above-noted projects, said agreements to be approved as to form by the County Attorney.

BE IT FURTHER RESOLVED that Revenue Sharing funds in the total amount of \$450,000 to be received from the Virginia Department of Transportation for the projects which the County will administer be, and hereby are, appropriated in the County Capital Fund.

Item No. 8. UTILITIES STRATEGIC CAPITAL PLAN: Resolution R02-10.

A RESOLUTION TO APPROVE THE STRATEGIC CAPITAL PLAN
FOR SANITARY SEWERAGE, POTABLE WATER AND STORMWATER

WHEREAS, the Board of Supervisors recognizes the need to protect the health of York County citizens through the extension of public water and sewer services to certain areas of the county; and

WHEREAS, it is the desire of the Board of Supervisors that the County's existing water and sewer systems be maintained at acceptable levels of efficiency and reliability; and

WHEREAS, based on need, as determined by applying the rating criteria established by the Board in January, 1991, and within the constraints of capital funding, the Utilities Strategic Capital Plan provides a schedule and financial plan for the extension of water and sewer systems and maintenance of existing systems;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of January, 2002, that the water and sewer maintenance and extension program, as presented in the Utilities Strategic Capital Plan, is hereby approved

BE IT FURTHER RESOLVED that this plan is to be reviewed and updated in two years.

Item No. 9. PUBLIC SEWER EXTENSION AGREEMENT – NORTHSIDE CHURCH OF CHRIST: Resolution R02-5.

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE
COUNTY'S SANITARY SEWER SYSTEM TO A PROPOSED DEVELOPMENT KNOWN AS NORTHSIDE CHURCH OF CHRIST,
AND AUTHORIZING EXECUTION OF THE NECESSARY PUBLIC
SEWER EXTENSION AGREEMENT

WHEREAS, the Trustees of Northside Church of Christ have requested that the County enter into a public sewer extension agreement pursuant to § 18.1-53 (b) of the York County Code to serve a new church building; and

WHEREAS, the plan for the proposed project has been reviewed by the County; and

WHEREAS, prior to final approval of these plans and the initiation of any construction activity, it is necessary that a determination be made as to whether the Board will authorize the extension of the public sewer facilities of the County to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's existing sewer system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, in accordance with the terms of Chapter 18.1 of the York County Code the total connection fee to be paid to the County for the proposed extension to serve this development has been determined to be \$18,400.00;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of January, 2002, that the Board approves the extension of the County's public sewer system to serve the proposed development, Northside Church of Christ, and that the County Administrator be, and he hereby is, authorized to execute a public sewer extension agreement with the Trustees of Northside Church of Christ for the proposed extension; such agreement to be approved as to form by the County Attorney.

On roll call the vote was:

Yea: (5) Burgett, Shepperd, Zaremba, Noll, Wiggins
Nay: (0)

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Item No. 6. PURCHASE AUTHORIZATION: Resolution R02-9. (Removed from the Consent Calendar)

Mr. Shepperd asked what was the policy on the mileage of trucks in order to be replaced.

Mr. McReynolds stated the Vehicle Fleet Manager routinely reviews the maintenance record, the age of the vehicle, the mileage, and the problems that are beginning to occur with the vehicle, and he then recommends replacement when it is no longer economically feasible to keep that vehicle in the fleet. He stated that typically the pick-up trucks have well over 100,000 miles before they are replaced.

Mr. Shepperd then moved the adoption of proposed Resolution R02-6 which reads:

A RESOLUTION TO PURCHASE REPLACEMENT PICK-UP TRUCKS

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurements are necessary and desirable, that they involve the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of January, 2002, that the County Administrator be, and hereby is, authorized to conclude procurement arrangements for the following:

Replacement Trucks	<u>AMOUNT</u>
	\$40,542

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Burgett, Wiggins
Nay: (0)

Item No. 7. PURCHASE AUTHORIZATION: Resolution R02-9. (Removed from the Consent Calendar)

Mr. Zaremba asked about the Tidemill Road sanitary sewer extension project and the sufficient funds available from Fund 74. He asked for an explanation of Fund 74.

Discussion followed concerning available funding for the project.

Mr. Zaremba then moved the adoption of proposed Resolution R02-9 which reads:

A RESOLUTION TO APPROVE THE STRATEGIC CAPITAL PLAN FOR SANITARY SEWERAGE, POTABLE WATER AND STORMWATER

WHEREAS, the Board of Supervisors recognizes the need to protect the health of York County citizens through the extension of public water and sewer services to certain areas of the county; and

WHEREAS, it is the desire of the Board of Supervisors that the County's existing water and sewer systems be maintained at acceptable levels of efficiency and reliability; and

WHEREAS, based on need, as determined by applying the rating criteria established by the Board in January, 1991, and within the constraints of capital funding, the Utilities Strategic Capital Plan provides a schedule and financial plan for the extension of water and sewer systems and maintenance of existing systems;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of January, 2002, that the water and sewer maintenance and extension program, as presented in the Utilities Strategic Capital Plan, is hereby approved

BE IT FURTHER RESOLVED that this plan is to be reviewed and updated in two years.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Burgett, Shepperd, Wiggins
Nay: (0)

NEW BUSINESS

STORMWATER ADVISORY COMMITTEE

Mr. McReynolds made a brief presentation on proposed Resolution R02-7 to establish a Stormwater Advisory Committee for the purpose of advising the Board of Supervisors on drainage problems and requirements and to provide public education and outreach programs to inform the citizens on controlling stormwater pollution.

Mr. Burgett felt like several modifications should be made to the proposed resolution and charter, to include the identification of drainage projects and priorities to be addressed. He added that he would like to see twelve at-large representatives rather than two. He suggested that some of the criteria be put in place for representatives of the committee.

Mrs. Noll felt the Board needed a balance on all of the committees, and she stated she preferred to have two representatives from each of the five districts, with two at-large.

Discussion ensued regarding requirements and terms for committee members.

Mrs. Noll noted the changes discussed, and stated she favored tabling the matter.

Mrs.. Noll then moved that consideration of proposed Resolution R01-7 be tabled.

On roll call the vote was:

Yea: (5) Noll, Burgett, Shepperd, Zaremba, Wiggins,
Nay: (0)

ACQUISITION OF PROPERTY IN YORKTOWN ON BUCKNER STREET

Mr. McReynolds made a presentation on proposed Resolution R02-11 to approve a sales agreement for a parcel of land on Buckner Street. He explained the reason for acquiring the property is to assist in implementation of the overall waterfront improvement plans.

Mr. Kraus also made a presentation detailing the parcels involved, items included in the sale agreement along with the cost, and the necessity for the parcels.

Chairman Wiggins asked Mr. McReynolds to explain where the funding was coming from for the project.

Mr. McReynolds explained that ultimately this property would be paid for by the Transient Occupancy or Lodging Tax. He explained that several years ago the County was granted the authority by the state to increase lodging tax from 2 percent to 5 percent. A caveat was added directing that the additional 3 percent must be used for tourism and tourism-related purposes. Mr. McReynolds stated the lodging tax proceeds will be used to buy this property.

Discussion ensued regarding funding of the project.

Mrs. Noll then moved the adoption of proposed Resolution R02-11 that reads:

A RESOLUTION TO APPROVE A SALES AGREEMENT FOR A
PARCEL OF LAND ON BUCKNER STREET AND TO APPROPRIATE
NECESSARY FUNDS

WHEREAS, the Board of Supervisors desires to purchase a parcel of land having approximately 10,454 square feet in Yorktown having a tax map number of 18A-01-00-004A and an address of 114 Buckner Street, and the owners of the parcel have agreed to sell the land to the County for a purchase price of \$150,000;

NOW THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of January, 2002, that the County Administrator be, and is hereby, authorized to sign an agreement to purchase a parcel of land in Yorktown having approximately 10,454 square feet having a tax map number of 18A-01-00-004A and an address of 114 Buckner Street for a purchase price of \$150,000 subject to a contingency for marketable title and other standard contingencies.

BE IT FURTHER RESOLVED that the County Administrator is authorized to do all things necessary to complete the procurement of said real estate outlined above without further action by this Board.

BE IT STILL FURTHER RESOLVED that \$150,000 be, and is hereby, transferred from the General Fund or the County Capital Fund to the Yorktown Revitalization Fund for the purpose of funding the purchase of a parcel of land referred to above.

BE IT STILL FURTHER RESOLVED that \$150,000 be, and is hereby, appropriated in the Yorktown Revitalization Fund for the purchase of a parcel of land referred to above.

On roll call the vote was:

Yea: (5) Burgett, Shepperd, Zaremba, Noll, Wiggins,
Nay: (0)

YORKTOWN MASTER PLAN IMPLEMENTATION AND LAND ACQUISITION

Mr. McReynolds made a brief presentation on proposed Resolution R02-12 to approve a sales agreement for 13 parcels of land, corporate stock, and business assets in Yorktown, and authorize the demolition of vacant residential buildings.

Mrs. Noll then moved the adoption of proposed Resolution R02-12 that reads:

A RESOLUTION TO APPROVE A SALES AGREEMENT FOR 13
PARCELS OF LAND, CORPORATE STOCK AND BUSINESS AS-
SETS IN YORKTOWN, TO AUTHORIZE THE DEMOLITION OF VA-
CANT RESIDENTIAL BUILDINGS, AND TO APPROPRIATE FUNDS
FOR SAID PURPOSE

WHEREAS, the York County Board of Supervisors desires to purchase from the Jamestown-Yorktown Educational Trust, Ltd., and from Nick's Seafood Pavilion, Incorporated, thirteen parcels of land and all of the corporate stock and assets of the restaurant business known as Nick's Seafood Pavilion, including the goodwill of the business and the ownership and exclusive right to use the name "Nick's Seafood Pavilion" and to purchase all of the contents of the restaurant building, and all tangible and intangible assets related to the restaurant, including all furnishings and equipment, all statuary, artwork, and memorabilia and personal effects of Mary and Nick Mathews now located in the restaurant; and

WHEREAS, the list of the tax map numbers and addresses for the thirteen parcels to be purchased are as follows:

18A-1-12F	301 Water Street
18A-1-12C	315 Water Street
18A-1-11B	319 & 319A Water Street
18A-1-11D	319 & 319A Water Street
18A-01-00-007B	318 Water Street

18A-01-00-144	334 Water Street
18A-01-00-144A	Part of 324 Water Street
18A-01-00-146	Part of 324 Water Street
18A-01-00-147	Part of 324 Water Street
18A-01-00-145	Part of 324 Water Street
18A-01-00-145A	Part of 105 Martiau Street
18A-01-00-001	113 Martiau Street
18A-01-00-004	110 Buckner Street

WHEREAS, a cost of \$2,955,000 has been negotiated for all real estate and fixtures (to be conveyed free of any tenant or other occupant), and ownership of all shares of stock and assets of, Nick's Seafood Pavilion, Incorporated, including all inventory on hand, all rights to the name "Nick's Seafood Pavilion," and all kitchen equipment and accessories, all tables, chairs and serving pieces, and all works of art, including mirrors, statuary, paintings, three entry chandeliers and personal effects of Mary Mathews subject, however, to full disclosure and Purchaser's review and acceptance of all corporate assets and liabilities, financial records, and contractual rights and obligations; and

WHEREAS, a deposit of \$25,000 is to be paid upon execution of a contract and said deposit shall be non-refundable if the Board is in default of the contract; and

WHEREAS, the terms of payment in the proposed agreement require cash payment at settlement, of which the deposit shall be a part. All real estate taxes and liens shall be pro-rated and paid off at closing; and

WHEREAS, the negotiated agreement is contingent upon satisfactory environmental and due diligence studies by the County and further contingent on Sellers' ability to purchase the shares of stock held by a minority shareholder;

NOW THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of January, 2002, that the County Administrator be, and is hereby, authorized to sign an agreement to purchase from the Jamestown-Yorktown Educational Trust, Ltd., and from Nick's Seafood Pavilion, Incorporated, thirteen parcels of land and all of the corporate stock and assets of the restaurant business known as Nick's Seafood Pavilion, including the goodwill of the business and the ownership and exclusive right to use the name "Nick's Seafood Pavilion" and to purchase all of the contents of the restaurant building, and all tangible and intangible assets related to the restaurant, including all furnishings and equipment, all statuary, artwork, and memorabilia and personal effects of Mary and Nick Mathews now located in the restaurant, on the terms and conditions referenced above.

BE IT FURTHER RESOLVED that the County Administrator is authorized to do all things necessary to complete the procurement of real estate, property and business interests outlined above without further action by this Board including, but not necessarily limited to, the following authority:

1. Procure services related to the acquisition of property from the Jamestown-Yorktown Educational Trust, Ltd., provided that the total cost of said purchases does not exceed available funding.
2. Negotiate terms and conditions to have the corporate stock and assets of Nick's transferred to the York County Industrial Development Authority.
3. Negotiate terms and conditions with the Watermen's Museum and the Jamestown-Yorktown Educational Trust, Ltd. to have the parcel located at 301 Water Street number (18A-1-12F) and the parcel located at 315 Water Street (18A-1-12C) transferred to the Watermen's Museum provided that appropriate easements are granted to the Board of Supervisors for the proposed Riverwalk project and other improvements planned by the Board.
4. Procure services and do all things necessary to demolish and remove the vacant residences after the property is acquired, provided the costs do not exceed \$38,000.

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BE IT STILL FURTHER RESOLVED that \$2,955,000 be, and is hereby transferred from the General Fund or the County Capital Fund to the Yorktown Revitalization Fund, and appropriated in the Yorktown Revitalization Fund for the purpose of completing this purchase.

BE IT STILL FURTHER RESOLVED that \$75,000 be, and is hereby, transferred from the General Fund or the County Capital Fund to the Yorktown Revitalization Fund, and appropriated in the Yorktown Revitalization Fund for environmental studies, surveys and other expenses related to the acquisition of the real estate and business assets from the Jamestown-Yorktown Educational Trust, Ltd. and for the purpose of demolishing the vacant residential structures mentioned above after the property is acquired.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Burgett, Wiggins,
Nay: (0)

Meeting Adjourned. At 10:44 p.m. Chairman Wiggins declared the meeting adjourned to 6:00 p.m., Tuesday, January 22, 2002, in the East Room, York Hall, for the purpose of conducting a work session.

James O. McReynolds, Clerk
York County Board of Supervisors

Donald E. Wiggins, Chairman
York County Board of Supervisors